

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

PAUL JOSEPH HONCE, )  
Petitioner, ) Case No. C10-1867-MJP  
v. )  
YAKIMA COUNTY CORRECTIONS ) ORDER OF DISMISSAL  
CENTER, )  
Respondent. )

The Court, having reviewed petitioner's 28 U.S.C. § 2254 petition for writ of habeas corpus, the Report and Recommendation of United States Magistrate Judge James P. Donohue, petitioner's objections (Dkt. No. 19), the governing law, and the balance of the record, does hereby find and ORDER:

- (1) The Report and Recommendation is ADOPTED;
- (2) Petitioner's habeas petition is DISMISSED without prejudice because the state-court remedies remain unexhausted;
- (3) Petitioner is DENIED issuance of a certificate of appealability;
- (4) Petitioner's application to proceed *in forma pauperis* is DENIED as moot; and

1 (5) In his objections, petitioner suggests that he would like to file a § 1983 claim and  
2 consolidate it with his petition for habeas corpus. If petitioner wishes to pursue a §  
3 1983 case, he must file a new complaint. Petitioner cannot file a new case simply  
4 by raising the issue in his objections to the Report and Recommendation.

5 (6) The Clerk of Court is directed to send copies of this Order to petitioner and to  
6 Magistrate Judge James P. Donohue.

7 DATED this 10th day of January 2011.

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11 Marsha J. Pechman  
12 United States District Judge  
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